

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

KRISTEN KOPPERS and JEFFREY)	
KOPPERS, on behalf of themselves and all)	
others similarly situated,)	
Plaintiffs,)	Case No. 6:17-cv-06557-MAT-JWF
v.)	
)	STIPULATION AND [PROPOSED]
WEYERHAEUSER COMPANY,)	ORDER TO STAY LITIGATION
)	PENDING SETTLEMENT
Defendant.)	

Plaintiffs Kristen Koppers and Jeffrey Koppers (“Plaintiffs”) and Defendant Weyerhaeuser Company (“Weyerhaeuser” or “Defendant,” and together with Plaintiffs, the “Parties”), through their undersigned counsel, hereby stipulate and agree as follows:

1. Plaintiffs filed this action on August 10, 2017 (Dkt. 1), and until the case was stayed on December 28, 2018, the Parties had been vigorously litigating the case itself.

2. On November 21, 2017, the Parties attended a full-day in-person mediation of this matter (and certain related cases) in Chicago, Illinois, overseen by an experienced mediator, the Hon. Wayne R. Andersen (Ret.), a former United States District Judge of the Northern District of Illinois. While this initial mediation session did not result in a settlement, the Parties continued to have further discussions concerning settlement. Based on these continuing discussions, the Parties participated in another full day of mediation before Judge Andersen on September 25, 2018 in Seattle, Washington. Although the case did not resolve during the September mediation session, the Parties continued their ADR-related discussions and have now agreed on the terms of a memorandum of understanding for settlement.

3. The Court previously granted the Parties’ requests to stay the case for purposes of seeking a settlement. See Dec. 28, 2018 Order (Dkt. 54); April 1, 2019 Order (Dkt. 58). Most recently, the Court stayed the case until April 29, 2019 and directed the Parties to file a joint

status report on that date apprising the Court as to the status of settlement discussions. See April 1, 2019 Order (Dkt. 58).

4. In the time since the Court stayed this case on April 1, 2019, counsel for Plaintiffs and Weyerhaeuser, with the continued assistance of Judge Andersen, have agreed to the terms of a memorandum of understanding that establishes the structure and process of the settlement. To allow the parties time to complete a final settlement agreement and to secure releases from each of the claimants and in order to promote judicial economy, however, the Parties respectfully request the Court to stay these proceedings for an additional sixty (60) days until June 28, 2019.

5. All parties in the following related actions pending in other federal courts are in the process of filing similar Stipulations and Proposed Orders, requesting that the courts approve a similar stay of all proceedings for purposes of settlement until June 28, 2019.

- a. Coleman, et al. v. Weyerhaeuser Co., No. 1:17-cv-01093-MN (D. Del.);
- b. Esanbock, et al. v. Weyerhaeuser Co., No. 19-1249 (8th Cir.);
- c. Walewski v. Weyerhaeuser NR Co., No. 18-1457 (10th Cir.); and
- d. Walker, et al. v. Weyerhaeuser Co., No. 2:18-cv-01637-BJR (W.D. Wash.).

And in Kipp, et al v. Weyerhaeuser Co., No. 19-1130 (3d Cir.), the parties are seeking a similar extension to postpone briefing on Weyerhaeuser's appeal of the district court's denial of Weyerhaeuser's motion to compel arbitration.

6. On or before June 28, 2019, the Parties will submit a joint status report apprising the Court as to the status of the settlement and if the settlement has been completed, will file a stipulation of dismissal with prejudice pursuant to the schedule agreed to in the settlement agreement.

WHEREFORE, the Parties respectfully request that the Court enter this Stipulation as an Order.

Date: April 29, 2019

s/ Joseph C. Hashmall

Shanon J. Carson
Lawrence Deutsch
Jacob M. Polakoff
BERGER MONTAGUE PC
1818 Market Street, Suite 3600
Philadelphia, PA 19103
Telephone: (215) 875-3000
Facsimile: (215) 875-4604
Email: scarson@bm.net
ldeutsch@bm.net
jpolakoff@bm.net

E. Michelle Drake
Joseph C. Hashmall
BERGER MONTAGUE PC
43 SE Main Street, Suite 505
Minneapolis, MN 55414
Telephone: (612) 594-5999
Facsimile: (612) 584-4470
Email: emdrake@bm.net
jhashmall@bm.net

Counsel for Plaintiffs and the Proposed Classes

Date: April 29, 2019

s/ Robert C. Collins III

Mark S. Mester (*pro hac vice*)
Mary Rose Alexander (*pro hac vice*)
Robert C. Collins, III (*pro hac vice*)
LATHAM & WATKINS LLP
330 North Wabash Ave, Suite 2800
Chicago, IL 60611
Telephone: (312) 876-7700
Facsimile: (312) 993-9767
Email: mark.mester@lw.com
mary.rose.alexander@lw.com
robert.collins@lw.com

Jeff G. Hammel
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022-4834
Telephone: (212) 906-1260
Facsimile: (212) 751-4864
Email: jeff.hammel@lw.com

Jeffrey D. Vanacore
PERKINS COIE LLP
30 Rockefeller Plaza, 22nd Floor
New York, NY 10112
Telephone: (212) 261-6912
Facsimile: (212) 977-1642
Email: jvanacore@perkinscoie.com

Attorneys for Defendant Weyerhaeuser Company

IT IS SO ORDERED this ____ day of _____, 2019.

Hon. Michael A. Telesca
United States District Judge